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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,336	02/17/2004	David W. Arnold	HRA-14910	1105
27505	7590	11/23/2005		
RANKIN, HILL, PORTER & CLARK LLP 4080 ERIE STREET WILLOUGHBY, OH 44094-7836				
EXAMINER				
BOEHLER, ANNE MARIE M				
ART UNIT		PAPER NUMBER		
3611				

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,336

Applicant(s)

ARNOLD, DAVID W.

Examiner

Anne Marie M. Boehler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-6 and 13-29 is/are allowed.
- 6) ☐ Claim(s) 7, 8, 12, 30-33 is/are rejected.
- 7) ☐ Claim(s) 9-11, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/17/04</u> | 6) <input type="checkbox"/> Other: ____ |

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1. Claim 35 is objected to because of the following informalities: In the last line, "the seat rails" lack clear antecedent basis in the claim. Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30 is rejected under 35 U.S.C. 102(b) as being anticipated by JA 5-201,375.

JA '375 shows a motorcycle with a radiator 6 between the engine and the rear wheel. A top frame structure 1 is secured to the steering head and includes a pair of seat rails 2 that support a duct 11 that extends over the engine and under the fuel tank 10.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, 12, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillman (USPN 4,445,587) in view of JA 5-201,375.

Hillman shows a motorcycle with a frame including down pipes and bottom pipes 12. An engine 22 and a radiator 26 mounted between the engine and the rear wheel. A

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pair of side air ducts 70 first air to the radiator.

Hillman lacks a central air duct.

JA '375 shows a motorcycle with a radiator mounted between the engine and the rear wheel and a central air duct 11 that directs air to the radiator.

It would have been obvious to one of ordinary skill in the art to provide the Hillman motorcycle with a central air duct, as taught by JA '375, in order to provide added ventilation to the radiator.

6. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over JA 5-201,375 in view of Schroeder (USPN 6,695,088).

JA 5-201,375 lacks a pair of laterally spaced air ducts.

Schroeder shows a motorcycle with a motorcycle with a radiator mounted behind the engine and a pair of ducts 30, 32, with inlets at lateral sides of the steering head and outlets for cooling the radiator.

It would have been obvious to one of ordinary skill in the art to provide the JA'375 motorcycle with lateral ducts, as taught by Schroeder, in order to provide additional ventilation for the radiator.

7. Claims 9-11, 34, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 1-6 and 13-29 are allowed.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Morinaka, Tsurumi, Buell, Yamashita, and Hiramatsu show air ducting through motorcycle body structures.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Anne Marie M. Boehler
Primary Examiner
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